

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3898 OF 2006

Mr. Sunny Mathew D'Souza
and anr. ..Petitioners

Vs.

M.C.G.B. & Anr. ..Respondents

Mr. D.J. Lulia for petitioners.
Mr. R.C. Nichani for respondent no.2

CORAM: B.H. MARLAPALLE, J.

Date : July 03, 2006.

P.C.:

1. Heard Mr. Lulia the learned counsel for the petitioners who are the plaintiffs in L.C. Suit No.4576 of 2005. In the said suit the plaintiffs have prayed that the suit structure should not be demolished by the officers of the defendant-corporation without following due process of law and that is the only relief. In the said suit the present respondent no.2 moved Chamber Summons No.69/2006 and prayed for adding him as party-defendant. By the impugned order dated 6/5/2006 the learned Judge of the City Civil Court, Greater

Mumbai was pleased to allow the said Chamber Summons.

2. It has been noted by the trial court that a notice under Section 351 of the Mumbai Municipal Corporation Act has already been issued against the plaintiffs during the pendency of the suit and the said notice is based on the complaint filed by the present respondent no.2. The trial court also considered the pleadings regarding the ownership and came to the conclusion that the respondent no.2 was a necessary party.

3. No interference is called for in the view taken by the trial court and hence the petition is rejected summarily.

(B.H. Marlapalle, J.)